

Message

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Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

Pruitt's Open Data Plan Could Limit Usable Research, Critics Say

Posted: Mar 27, 2018, 7:21 AM EDT

By Jennifer Lu and Sylvia Carignan

EPA head Scott Pruitt's plan to ban the agency from using private or confidential data in making policy decisions would eliminate most of the scientific literature the agency reviews, scientists told Bloomberg Environment.

Pruitt told the Daily Caller March 19 about his intentions for allowing only “open data” in drafting regulations and said the Environmental Protection Agency could only consider studies that make their data available for public scrutiny. Further, EPA-funded studies would have to make all of their data public.

Researchers are concerned that the policy could have far-reaching effects for how the agency regulates drinking water, air quality, and chemicals including pesticides and herbicides. Supporters of the idea, however, say the public has a right to view the information used to craft rules that affect them.

The EPA estimated in 2017 that a similar requirement for open data would limit usable studies by 95 percent.

“That will essentially lead to excluding massive bodies of evidence,” Jonathan Samet, a former chair of the EPA’s Clean Air Scientific Advisory Committee, told Bloomberg Environment.

Pruitt’s policy is similar to language in a 2017 bill (H.R.1430) introduced by Rep. Lamar Smith (R-Texas) barring the EPA from basing certain actions on anything but studies that are publicly available and substantially reproducible.

The actions include risk, exposure, or hazard assessments, air quality science documents, standards, chemical limits, waste regulations, cost-benefit reviews, and guidance.

Right to See Data

Smith believes the public has a right to see data that EPA uses to justify its regulations, Thea McDonald, a spokesperson for the House Science, Space, and Technology Committee, told Bloomberg Environment in an emailed statement March 26. Smith is the committee’s chairman.

“The public, including scientists, should have the opportunity to evaluate the agency’s data and independently determine whether the data supports the EPA’s conclusions,” Smith said in the statement. It’s unclear how much of Smith’s bill will be part of Pruitt’s policy. The EPA didn’t respond to Bloomberg Environment’s emailed requests for comment.

The EPA told the Congressional Budget Office in 2017 that the provisions in Smith’s bill would “strongly discourage” industry and academic researchers from working with the agency, because the EPA couldn’t guarantee to protect intellectual property, trade secrets like chemical formulas, or personally identifiable information in health studies.

“It’s all part of the removal of science and scientists from the decision-making process,” Samet said. “We’re moving away from evidence-based regulations, which is what EPA does, which is what EPA should do, which is what EPA was set up to do.”

Confidential Information

There’s an ongoing debate in the research world about the merits of confidentiality versus the need for reproducible results, Tony Cox, a member of the EPA’s Science Advisory Board and chairman of the Clean Air Scientific Advisory Committee.

Pruitt’s plans align with scientific journals’ increasing desire to promote transparency with data and to make more models and analyses readily available, Cox told Bloomberg Environment in an email.

Transparency “is an important part of the process of creating sound and trustworthy science,” he said.

The EPA’s Office of Pesticides Programs recently relaunched an attempt to obtain data on a Columbia University public health study on the effects of the insecticide chlorpyrifos on children exposed in utero. The EPA, under the Obama

administration, justified banning the chemical in part on the study, which linked levels of the pesticide in umbilical cord blood with neurodevelopmental delays in childhood.

Chlorpyrifos manufacturer Dow AgroSciences criticized the Columbia study on grounds that the EPA didn't have access to the raw data.

Institutional Review Boards

The ability to reproduce a study's results is important, but the relevant methods and techniques are what need to be shared, not patient personal data, or trade secrets and intellectual property, Gretchen Goldman, research director at the Union of Concerned Scientists' Center for Science and Democracy, told Bloomberg Environment.

Research institutions, such as universities and military facilities, have institutional review boards, which protect sensitive information by requiring researchers to sign ethics agreements before reviewing data.

The boards review researchers' intent to view or use sensitive data, and ensure researchers have gone through training about the appropriate uses of human studies data and how to secure it.

Boards also want to ensure ethical guidelines are followed in how test animals or people are exposed to harms and that personally identifying information will not be released, Goldman said.

Foundational Fine Particulates

Rallying cries against "secret science" can be traced back two decades to when fine particulate matter was included in the list of EPA-regulated air pollutants in 1997, Samet said.

Fine particulate matter—microscopic particles 2.5 microns in diameter or smaller—is emitted by a range of sources, including motor vehicles, power plants, and factories.

The agency had based its particulate-matter standards on two landmark studies, the Harvard Six Cities study and the American Cancer Society study.

Both contained "pivotal evidence" showing that people living in cities with higher levels of air pollution were at higher risk of dying, said Samet, the dean of the Colorado School of Public Health.

"At the time, there was a lot of discussion generated by industry stakeholders where if this data was so important, the data should be public," Samet said.

Peer Review

Those who decry "secret science" don't understand or don't acknowledge that the two studies were peer-reviewed and the raw data was reanalyzed by an independent research group, C. Arden Pope III, a co-author on the Harvard Six Cities study, told Bloomberg Environment.

That independent research group, the Health Effects Institute, gets funding from government agencies, including the EPA, and the automotive industry.

Health Effects Institute researchers found similar relationships between living in more polluted areas and a higher risk of death, Daniel Greenbaum, president of HEI, told Bloomberg Environment.

Findings from the two original studies became the bedrock for how the agency justifies its air regulations, from the Clean Power Plan to rules reducing mercury and toxic air emissions from power plants.

If you look at the cost-benefit analyses the EPA has done, most of them point to fine particulate matter exposure as the single largest contributor to the number of avoidable deaths, Greenbaum said. “And that is primarily calculated using the American Cancer Society and the Harvard Six Cities results.”

“For those that don’t want to reduce their pollution, one of the strategies they use is to criticize the science itself,” Pope said. “I think that’s pretty obvious to anyone that watches what’s going on.”

Greenbaum also warned that limiting what kind of science can be used to set regulations would “cut both ways.”

While particulate-matter studies point toward lowering the threshold to protect public health, studies on nitrogen dioxide—emitted by cars and factories, eventually forming ozone—suggest no additional health benefits at lower nitrogen dioxide standards, Greenbaum said.

If Smith’s bill had been passed, the “Honest Act would say those studies aren’t available,” and regulated industries wouldn’t receive relief, Greenbaum said.

—With assistance from Tiffany Stecker.

Furor Over EPA ‘Open Data’

Posted: Mar 27, 2018, 6:41 AM EDT

By [Chuck McCutcheon](#)

Scott Pruitt wants to ban the EPA from using private or confidential data in making policy decisions. Scientists have a problem with that: They say it gets rid of much of the literature the agency reviews.

Pruitt, the EPA’s administrator, has discussed allowing only “open data” in drafting regulations and said the agency should only consider studies that make information available for public scrutiny, [Jennifer Lu](#) and [Sylvia Carignan](#) write in a story being published today. The idea’s backers say people have a right to view the information used to craft rules that affect them.

But the EPA estimated in 2017 that a similar requirement for open data would limit usable studies by 95 percent.

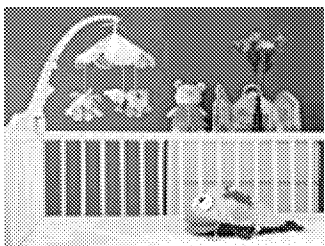
“That will essentially lead to excluding massive bodies of evidence,” says Jonathan Samet, a former chair of the EPA’s Clean Air Scientific Advisory Committee.

CALIFORNIA RETALIATION? As the Trump administration begins dismantling Barack Obama’s ambitious auto efficiency regulations, California is said to be poised to retaliate by doing something that automakers have feared: de-coupling the state’s rules with those set in Washington.

The state intends to revoke its so-called “deemed to comply” provision, two people familiar with the matter told Bloomberg News. The obscure-but-important state rule declares that carmakers that satisfy the EPA’s tailpipe greenhouse gas standards automatically fulfill California’s rules, too.

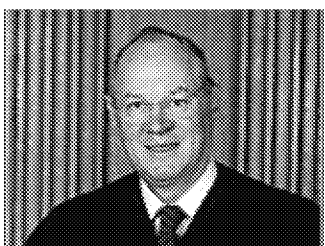
The dispute comes as an American Lung Association survey released today finds 70 percent of voters say EPA should keep its greenhouse gas standards for model years 2022-2025 at their current stringency.

[Israel Limits Phthalates in Baby Changing Products After Expose](#)



Israel is fast-tracking a strict limit on baby mattresses, changing mats, and other products found to contain high levels of endocrine-disrupting chemicals after a regulatory glitch allowed their sale.

Kennedy Recused After Late-Discovered Conflict From 1985 Case



Justice Anthony M. Kennedy will sit out of an environmental case to be argued in April because he heard an earlier iteration of the case while he was sitting on the U.S. Court of Appeals for the Ninth Circuit 33 years ago.

Brazil Begins Enforcing Old Law Limiting Lead Levels in Paint



A now-enforceable Brazilian law that limits lead in childrens' and household paints to 0.06 percent only will affect small, non-lab-tested paint producers, an association representing major producers said.

INSIDEEPA.COM ARTICLES

EDF Signals New Chemical-Specific Path To Target EPA SNURs Under TSCA

The Environmental Defense Fund (EDF) is warning that a draft EPA rule allowing a new use of an existing chemical is "legally vulnerable," suggesting a new chemical-specific path for environmentalists to challenge EPA's approval of new chemical uses under the revised Toxic Substances Control Act (TSCA).

Pruitt's Bid To End 'Secret Science' Faces Legal, Implementation Hurdles

Administrator Scott Pruitt's pending plan to apply a sweeping new data transparency requirement at EPA is expected to face legal and implementation controversies likely as soon as it is released, agency watchers say, including potential violations of medical privacy protections, trade secret information and other data that form the basis for air quality standards, pesticide and chemical approvals and other rules.

EPA Seeks An Extra 90 Days To Propose TSCA Lead Dust Rule Update

EPA is formally asking a federal appellate court to clarify when it made final its Dec, 27 order requiring the agency to propose -- within 90 days -- an update to its lead dust hazard standard for residential buildings and to grant an additional 90 days to comply with the order, though environmentalists indicate they oppose the request.

California DTSC Faces Debate Over Reach Of Review For PFAS In Carpets

Industry and environmentalists are battling over which per- and polyfluoroalkyl substances (PFAS) California's toxics department should assess in its proposal to list carpets and rugs containing the substances as a "priority product" under its green chemistry program, a decision that could drive how strictly the products are regulated.

EPA Adds 11 Members To TSCA Advisory Panel For Increased 'Balance'

EPA has boosted the size of its new panel dedicated to advising the agency on chemical science and management issues, adding 11 new members to the now 29-member panel.

EPA Gets Budget Reprieve In FY18 But Some Query Whether It Will Last

EPA appears to have largely escaped Trump administration plans to cut its budget by 31 percent in fiscal year 2018 after lawmakers unveiled a spending bill for the remainder of the year that funds the agency at essentially FY17 levels while also increasing funding for key infrastructure programs.

GREENWIRE ARTICLES

Trump picks Ford executive to lead international office

Kevin Bogardus, E&E News reporter

Published: Monday, March 26, 2018

President Trump will nominate a senior manager at Ford Motor Co. to head U.S. EPA's international and tribal affairs office.

Chad McIntosh has spent nearly 20 years at Ford, where he has helped manage the auto giant's environmental policies.

The engineer and attorney led Ford's effort to have its American, Canadian and Mexican assembly plants comply with environmental law. McIntosh has also worked on regulatory compliance, permitting and response to enforcement actions for several of the company's plants across the world.

<https://www.eenews.net/greenwire/2018/03/26/stories/1060077407>

Judges want more info from EPA on chemical rule delays

Amanda Reilly, E&E News reporter

Published: Monday, March 26, 2018

Federal judges sought additional details Friday from U.S. EPA in a lawsuit challenging the agency's delay in Obama-era chemical safety rules.

The three-judge panel of the U.S. District Court for the District of Columbia Circuit asked EPA to provide instances where any federal agencies have changed the effective or compliance dates for a regulation based on administrative reconsideration of that rule.

EPA is to provide a "comprehensive list of examples" by April 3.

"If a comprehensive list would be excessively burdensome to produce, EPA shall explain why that is so and shall produce as many examples as practicable," the judges ordered around 5 p.m. Friday.

<https://www.eenews.net/greenwire/2018/03/26/stories/1060077437>

CHEMICAL WATCH ARTICLES

EU withdrawal guidelines exclude UK role in Echa

26 March 2018 / United Kingdom

In guidelines adopted last week on the UK's withdrawal from the EU, the European Council has repeated its stance that Britain will play no role in EU agencies, such as Echa, once it leaves the trade bloc in one year's time.

The Council also "further reiterates" that the Union "will preserve its autonomy as regards its decision making, which excludes participation of the United Kingdom as a third-country in [its] institutions and in the decision making of [its] bodies, offices and agencies".

There can be no "cherry picking", it adds, through participation in the single market based on a sector-by-sector approach. This "would undermine the integrity and proper functioning of the single market".

And the role of the EU's Court of Justice will also be "fully respected", it says.

The wording will unsettle British prime minister Theresa May who, earlier this month, said the UK government is to seek "associate membership" of Echa and other European agencies as part of the EU withdrawal negotiations.

Also this month, Cefic and the UK chemicals industry broadly welcomed a conditional agreement on the transition period after the country leaves the Union.

Negotiations between the EU and the UK continue, with a deal expected to be finalised at the European Council summit this October.

Related Articles

- [Prime minister: UK to seek 'associate membership' of Echa](#)

- [Chemicals industry welcomes Brexit transition period agreement](#)

Further Information:

- [Guidelines](#)

European Commission consults on two draft cosmetics nano opinions

26 March 2018 / Europe, Nanomaterials, Personal care

The European Commission's Scientific Committee on Consumer Safety has opened consultations on two draft opinions on nanomaterials in cosmetics. They are for:

- styrene/acrylates copolymer (nano) and sodium styrene/acrylates copolymer (nano) when used in leave-on cosmetics products with a maximum concentration limit of 0.06%; and
- colloidal silver (nano) when used in cosmetics, including toothpastes and skin care products, with a maximum concentration limit of 1%.

In both of SCCS's preliminary opinions, the committee was not able to decide on the safety of the materials due to insufficient data.

The consultation periods will close on 11 and 15 May respectively.

Further Information:

- [Colloidal silver \(nano\) draft opinion](#)
- [Styrene/Acrylates copolymer \(nano\) draft opinion](#)

Danish Consumer Council says SVHC app is a success

'High hopes' that EU-wide app will put pressure on companies

27 March 2018 / Confidentiality & right-to-know, Denmark, Europe, Retail, SVHCs



The Danish Consumer Council said its Tjek Kemien app, which helps consumers identify substances of very high concern (SVHCs) in products, has been a success, despite a decrease in usage.

At Chemical Watch's Global Business Summit, held in Amsterdam earlier this month, Jakob Zeuthen, head of environment policy at the Danish Chamber of Commerce, said the number of scans made through the app had fallen.

But Claus Jørgensen, senior project manager at the council, told Chemical Watch: "It's been a success in the way that business knows the app and consumers are more aware of their right to know, but it's not a success if you want increasing numbers of scans every year."

The app allows consumers to scan a product barcode and automatically send an Article 33 request to the manufacturer or retailer, asking if the product contains SVHCs. Under Article 33 of REACH, suppliers are legally obliged to provide the information, free of charge, within 45 days.

Statistics from the two major Danish supermarkets - Coop and Dansk Supermarked - show the number of requests they received from Tjek Kemien dropped from 88 in 2016 to 16 in 2017.

But Mr Jørgensen said these figures do not reflect the total number of scans made in the supermarkets. This is because some would have been answered immediately through the app's database of product information or been sent directly to the manufacturer.

The app was used to make 14,000 scans last year and more than 120,000 times since its launch in 2014. It was used 832 times in January this year.

'High hopes'

Mr Jørgensen said the council had stopped promoting Tjek Kemien in order to focus on the AskREACH project, which will launch an EU-wide app next year. It is one of 20 partnership organisations involved in the initiative, led by the German Environment Agency (UBA).

Tjek Kemien will be discontinued when the EU-wide app launches and existing users will be redirected towards the new app through a system update.

He said there were "high hopes" that it would be popular with consumers and encourage companies to be prepared for Article 33 requests.

"On a larger scale we'll have greater success than we do here in Denmark, because [it] is such a little market. Our goal in the campaign is to get many millions of scans to put pressure on the companies," he said.

Another reason for the decline in use of the Tjek Kemien app is the 45-day period to receive information from manufacturers, which Mr Jørgensen said was off-putting for consumers.

He said: "If you see a big TV in the sale and you find out you have to wait 45 days to get an answer about SVHCs, you might not wait. The 45 days is a barrier."

AskREACH is encouraging companies to add product information to its database, so requests can be processed immediately without waiting for a response from the manufacturer.

The council is in the process of getting permission from companies in its Tjek Kemien database to be added to that of AskREACH.

Mr Jørgensen said this could be used as a "marketing tool" for companies which do not use SVHCs in their products.



Tammy Lovell

Business reporter

Related Articles

- [EU-wide app to learn from Danish project problems](#)
- [SVHCs](#)
- [Commission study shows low industry response to Article 33 requests](#)
- [EU-wide consumer app aims to foster substitution of SVHCs](#)

Further Information:

- [Tjek Kemien website](#)
- [AskREACH](#)

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OTHER ARTICLES

[Toxic Chemicals May Increase Chances of Regaining Weight After Dieting](#)

Environmental Working Group

Exposure to fluorinated industrial chemicals, known as PFAS or PFC chemicals, may increase the amount of weight that people, especially women, regain after dieting, according to a new study by Harvard University researchers, published in PLOS Medicine. It found that women with higher levels of ...

[Shupe: Protecting Vermonters from toxic chemicals](#)

Bennington Banner

Among other changes, the agency will no longer require that manufacturers who want to produce new, potentially **hazardous chemicals** sign legal agreements that restrict their use under certain conditions. This begs the question: If the EPA is no longer protecting citizens from toxic pollution, do the states ...

The EPA planned to ban a deadly paint-stripping chemical. Will it follow through?

Center for Public Integrity

Even if these efforts bear fruit, they represent a patchwork approach that Congress seemed intent on avoiding when it amended the **Toxic Substances** Control Act in 2016. That legislation gave the EPA clear authority to ban chemicals presenting an “unreasonable risk” to health or the environment. Often ...